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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 RAMON MARTINEZ ALCAZAR  
12 Plaintiff,  
13 v.  
14 UNITED STATES OF AMERICA,  
15 Defendant.  
16

Criminal Case No. 13-cr-1554  
Civil Case No.: 16-cv-2634

**ORDER DENYING MOTION TO  
VACATE, SET ASIDE, OR  
CORRECT SENTENCE UNDER 28  
U.S.C. § 2255 AS MOOT**

17 On October 24, 2016 Petitioner, proceeding *pro se*, filed a motion pursuant to 28 U.S.C.  
18 § 2255 to vacate, set aside, or correct sentence by person in federal custody. Shortly after the  
19 briefing was completed on the motion, Petitioner was released from custody on December 21,  
20 2017. By its terms, section 2255 is applicable only to prisoners in custody. See *United States v.*  
21 *Kramer*, 195 F.3d 1129, 1130 (9<sup>th</sup> Cir. 1999). Accordingly, the Court **DENIES** Petitioner's  
22 Motion as moot.  
23

24 **IT IS SO ORDERED.**  
25 Dated: January 23, 2019  
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28 Hon. M. James Lorenz  
United States District Judge